

SEVENTY-FOURTH DAY
(Thursday, May 23, 1991)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Ann Hoey, Episcopal Church of the Good Shepherd, Austin, offered the invocation as follows:

You have shown us, O Lord, what is good;
Help us, we pray, to pursue what is right:
To do justice, to love mercy,
And to walk humbly with our God.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

PARLIAMENTARIAN ANNOUNCED

The President announced that Steve Dial will be acting as Senate Parliamentarian.

CO-SPONSOR OF HOUSE BILL 442

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Johnson will be shown as Co-sponsor of H.B. 442.

MESSAGE FROM THE HOUSE

House Chamber
May 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 144, Requesting the Governor to return **S.B. 764** to the Senate for further consideration.

H.B. 454, Relating to the speed limit on multi-lane divided highways.

H.B. 1719, Relating to the acquisition of property and the conveyance of certain state-owned property in Travis County by the State Purchasing and General Services Commission.

H.B. 2233, Relating to credit life insurance and credit accident and health insurance.

H.B. 2843, Relating to the creation of municipal courts of record of Denton.

H.B. 2884, Relating to the creation, administration, powers, duties, operations, financing, and organization of the Upper Sabine Valley Solid Waste District; granting the power of eminent domain and the authority to issue bonds; authorizing a tax.

H.B. 2902, Relating to the powers and duties of the Bastrop County Water Control and Improvement District No. 2 relating to the administration of a road utility district in Bastrop County.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Glasgow submitted the following report for the Committee on State Affairs:

H.B. 150
H.C.R. 160
H.B. 2430
H.B. 2378
H.B. 1985
S.B. 1618
S.B. 1579
C.S.H.B. 2287
C.S.H.B. 962
C.S.H.B. 1027

Senator Lyon submitted the following report for the Committee on Criminal Justice:

H.B. 413
H.B. 433
H.B. 1496
H.B. 2255
H.B. 1548
H.B. 268
C.S.H.B. 1639
H.B. 862 (Amended)

Senator Montford submitted the following report for the Committee on Finance:

H.B. 1747
C.S.H.B. 333
C.S.H.B. 907

Senator Sims submitted the following report for the Committee on Natural Resources:

H.B. 1215
H.B. 1107
H.B. 1826
H.B. 1609
H.B. 2831
H.B. 451 (Amended)
C.S.H.B. 2876
C.S.H.B. 2665

THURSDAY, MAY 23, 1991

2023

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

H.B. 985
H.B. 2868
H.B. 2804
H.B. 2502
H.B. 2855
H.B. 2658
H.B. 595
H.B. 1057
H.B. 2638
H.B. 1065
H.B. 1877
C.S.H.J.R. 114
C.S.H.B. 2662
C.S.H.B. 2019
C.S.H.B. 850
C.S.H.B. 341

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 1890
H.B. 2275
H.B. 1257
H.B. 2840

Senator Green submitted the following report for the Committee on Jurisprudence:

C.S.H.B. 2786

**CONFERENCE COMMITTEE REPORT
ON HOUSE BILL 2395**

Senator Carriker submitted the following Conference Committee Report:

Austin, Texas
May 21, 1991

Honorable Bob Bullock
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 2395 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass.

CARRIKER
GLASGOW
DICKSON

HIRSCHI
MOWERY
DANBURG

GREEN

LYON

On the part of the Senate

GRUSENDORF

LINEBARGER

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

- H.C.R. 153, To Committee on Administration.
- H.B. 42, To Committee on Economic Development.
- H.B. 260, To Committee on State Affairs.
- H.B. 306, To Committee on Jurisprudence.
- H.B. 372, To Committee on Finance.
- H.B. 423, To Committee on Criminal Justice.
- H.B. 476, To Committee on Natural Resources.
- H.B. 528, To Committee on Natural Resources.
- H.B. 583, To Committee on Economic Development,
Subcommittee on Insurance.
- H.B. 598, To Committee on Jurisprudence.
- H.B. 757, To Committee on State Affairs.
- H.B. 827, To Committee on Natural Resources.
- H.B. 853, To Committee on Natural Resources.
- H.B. 1206, To Committee on Intergovernmental Relations.
- H.B. 1533, To Committee on Economic Development.
- H.B. 1576, To Committee on Jurisprudence.
- H.B. 1629, To Committee on Finance.
- H.B. 1637, To Committee on State Affairs,
Subcommittee on Elections and Ethics.
- H.B. 1648, To Committee on Natural Resources.
- H.B. 1688, To Committee on Jurisprudence.
- H.B. 1715, To Committee on Criminal Justice.
- H.B. 1744, To Committee on Natural Resources.
- H.B. 1756, To Committee on State Affairs.
- H.B. 1767, To Committee on Economic Development.
- H.B. 1888, To Committee on Criminal Justice.
- H.B. 1939, To Committee on State Affairs,
Subcommittee on Elections and Ethics.
- H.B. 2147, To Committee on Jurisprudence.
- H.B. 2197, To Committee on Finance.
- H.B. 2198, To Committee on Finance.
- H.B. 2227, To Committee on Economic Development.
- H.B. 2269, To Committee on State Affairs.
- H.B. 2329, To Committee on Natural Resources,
Subcommittee on Water.
- H.B. 2362, To Committee on Education.
- H.B. 2432, To Committee on Economic Development,
Subcommittee on Insurance.
- H.B. 2459, To Committee on State Affairs.
- H.B. 2472, To Committee on Natural Resources.
- H.B. 2486, To Committee on Jurisprudence.
- H.B. 2552, To Committee on State Affairs,
Subcommittee on Elections and Ethics.

H.B. 2605, To Committee on State Affairs.
 H.B. 2626, To Committee on Jurisprudence.
 H.B. 2859, To Committee on Jurisprudence.
 H.B. 2895, To Committee on Finance.
 H.B. 2898, To Committee on State Affairs.

CAPITOL PHYSICIAN

Senator Turner was recognized and presented Dr. Art Caylor of College Station as the "Doctor for the Day."

The Senate welcomed Dr. Caylor and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Henderson was recognized and introduced a group of senior citizens from Bear Creek Community Center of Houston.

The Senate welcomed these guests.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S.C.R. 117	S.B. 695	S.B. 1222
S.B. 186	S.B. 737	S.B. 1261
S.B. 191	S.B. 774	S.B. 1262
S.B. 324	S.B. 783	S.B. 1274
S.B. 325	S.B. 793	S.B. 1283
S.B. 330	S.B. 798	S.B. 1335
S.B. 479	S.B. 853	S.B. 1342
S.B. 514	S.B. 951	S.B. 1401
S.B. 544	S.B. 972	S.B. 1457
S.B. 553	S.B. 1037	S.B. 1484
S.B. 663	S.B. 1053	S.B. 1491
S.B. 670	S.B. 1059	

(Senator Whitmire in Chair)

GUESTS PRESENTED

Senator Barrientos was recognized and introduced the Pflugerville High School Band and their director, Doug Kincaid, and president, Rachel McDonald.

The Senate welcomed these guests and congratulated them for their exceptional achievements during the 1990-1991 school year. An enrolled copy of S.C.R. 148, previously adopted by the Senate on Saturday, May 18, 1991, was presented by the President.

(President in Chair)

GUESTS PRESENTED

Senator Barrientos was again recognized and introduced to the Senate the following staff members of the Stephen F. Austin High School newspaper The Maroon: Dongmin Shim, editor; Brittany Keyes, photographer; Julia Kirt, editor; and Dylan Rivera, associate editor.

The Senate welcomed these guests.

An enrolled copy of S.C.R. 153, previously adopted by the Senate on Tuesday, May 21, 1991, was presented by the President.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Member, Texas Higher Education Coordinating Board: DR. RAY E. SANTOS, Lubbock County.

Member, Board of Regents, Midwestern State University: GARY H. SHORES, Wichita County.

SENATE BILL 837 WITH HOUSE AMENDMENTS

Senator Harris of Tarrant called S.B. 837 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment - Madla

Amend S.B. 837 on page 7, line 23, by amending Subsection (c) to read as follows:

(e) An applicant holding a baccalaureate degree in psychology, sociology, or other related program approved by the commission is exempt from the requirements of Subdivisions (4) and (6) of Subsection (b) of this section. On presentation of documentation by the applicant, the commission may waive any portion of Subdivision (5) of Subsection (b) of this section it deems has been met as evidenced by such documentation.

Amendment on Third Reading - Heflin

Amend S.B. 837 on third reading on line 9 of page 3 by inserting the following:

In between the words "worker," and "or", insert "pastoral chemical dependency counseling within the scope of the duties as a religious leader of a congregation,".

The amendments were read.

On motion of Senator Harris of Tarrant and by unanimous consent, the Senate concurred in the House amendments to S.B. 837 by a viva voce vote.

SENATE BILL 4 WITH HOUSE AMENDMENTS

Senator Montford called S.B. 4 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment - Cavazos

Amend S.B. 4 as follows:

On page 5, lines 10-12 strike:

"or to affect the course or outcome of a governmental function or decision"

Amendment - Edwards

Amend S.B. 4 by adding the following new SECTION 15 after SECTION 14 and renumbering the remaining SECTIONS appropriately:

SECTION 15. Section 31.04(b), Penal Code, is amended to read as follows:

(b) For purposes of this section, intent to avoid payment is presumed if:

(1) the actor absconded without paying for the service in circumstances where payment is ordinarily made immediately upon rendering of the service, as in hotels, restaurants, and comparable establishments; [or]

(2) the actor failed to return the property held under a rental agreement within 10 days after receiving notice demanding return; or

(3) the actor returns property held under a rental agreement after the expiration of the rental agreement and fails to pay the applicable rental charge for the property within 10 days after the date on which the actor received notice demanding payment.

The amendments were read.

On motion of Senator Montford and by unanimous consent, the Senate concurred in the House amendments to S.B. 4 by a viva voce vote.

HOUSE BILL 263 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 263, Relating to the spousal exemption from prosecution for sexual assault.

The bill was read second time.

Senator Ellis offered the following committee amendment to the bill:

Amend H.B. 263 as follows:

Insert on page 3, line 8, a new subsection (c):

(c) Prosecution against a spouse under this section, 22.011, requires a showing of bodily injury or the threat of serious bodily injury.

Renumber existing provisions in the statute accordingly.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 263 ON THIRD READING

Senator Ellis moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 263 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 546 ON SECOND READING

Senator Rosson moved to suspend the regular order of business to take up for consideration at this time:

H.B. 546, Relating to certain employer security requirements to ensure payment of wages; providing a criminal penalty.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Dallas, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Krier, Leedom, Sibley.

The bill was read second time.

Senator Rosson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 546** as follows:

(1) On page 1, line 18 of the House Engrossment printing, strike the word "judgment" and substitute the word "sum".

The committee amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **H.B. 546** as follows:

(1) On page 1, line 21 of the House Engrossment printing, strike the word "commission", and substitute the words "attorney general".

The committee amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **H.B. 546** as follows:

(1) On page 1, lines 8 and 11, and on page 2, line 8 of the House Engrossment printing, strike the word "judgment" and substitute the words "final order of the commission".

The committee amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 546** as follows:

(1) On page 2, line 37 of the Senate committee printing, strike the words "to those employees".

The amendment was read and was adopted by a viva voce vote.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 546** as follows:

(1) On page 2, line 35 strike the words “, or” after the word “indebtedness”.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Harris of Tarrant, Bivins, Brown, Leedom and Sibley asked to be recorded as voting “Nay” on the passage of the bill to third reading.

HOUSE BILL 546 ON THIRD READING

Senator Rosson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 546** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Dallas, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Leedom, Sibley.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Harris of Tarrant, Bivins, Brown, Leedom and Sibley asked to be recorded as voting “Nay” on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
May 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 153, Congratulating the Stephen F. Austin High School newspaper staff members on their outstanding achievements.

S.C.R. 148, Extending congratulations to the Pflugerville High School Band members for their magnificent accomplishments.

S.C.R. 143, Recognizing and honoring the Texas Film Commission on the grand occasion of its 20th anniversary celebration and inviting Texas celebrities to visit Austin.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

**HOUSE CONCURRENT RESOLUTION 154
ON SECOND READING**

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

H.C.R. 154, Creating a special committee to designate Texas State Artists.

The resolution was read second time and was adopted by a viva voce vote.

HOUSE BILL 769 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 769, Relating to the accrual of interest on and the enforcement of judgments for unpaid child support.

The bill was read second time.

Senator Harris of Tarrant offered the following committee amendment to the bill:

Amend **H.B. 769** as follows:

(1) On page 6, line 5, after "1991", add the following: "and applies to child support due and owing after the effective date of this Act".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 769 ON THIRD READING

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 769** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 799 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 799, Relating to disadvantaged businesses owned by minorities or women in relation to state purchasing and public works contracts; providing a criminal penalty.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 799 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 799 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 2259 ON SECOND READING

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 2259, Relating to child care services for state employees.

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up **C.S.H.B. 2259** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Ratliff, Sibley, Sims.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 2259** by adding a new Section 8 and renumbering subsequent sections as follows:

Section 8. Notwithstanding the authority granted by this Act, no state general revenue may be appropriated for costs related to the implementation of this Act during the fiscal biennium beginning on September 1, 1991, unless expressly authorized by the general appropriations act.

The amendment was read.

On motion of Senator Whitmire, the amendment was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Lyon, Parker, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Moncrief, Montford, Ratliff, Sibley, Sims.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.H.B. 2259 by changing the word shall to may on line 11, page 2, Sec. 5(b).

The amendment was read.

On motion of Senator Barrientos, the amendment was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Lyon, Montford, Parker, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Moncrief, Ratliff, Sibley, Sims.

The bill was passed to third reading by a viva voce vote.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
HOUSE BILL 2259 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 2259 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 11. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Henderson, Johnson, Lucio, Lyon, Moncrief, Parker, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Montford, Ratliff, Sibley, Sims.

**COMMITTEE SUBSTITUTE
HOUSE BILL 76 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 76, Relating to an exemption from regulation under the Private Investigators and Private Security Agencies Act for certain providers of medical alert services and other electronic monitoring services.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 76 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 76 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2250 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2250, Relating to the powers and liability of a public health district and to the liability of its members.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2250 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 2250** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1126 ON THIRD READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H.B. 1126, Relating to fees for personal identification cards, a change in class of driver's license, and a duplicate commercial driver's license or permit.

The bill was read third time.

Senator Turner offered the following amendment to the bill:

Amend **H.B. 1126** on page 1 by deleting Subsection (c) on lines 31 through 33 and substituting in lieu thereof the following:

(c) The Department shall levy and collect a fee of Seven [Five] Dollars and Fifty Cents (\$7.50) [(\$5.00)] for preparation and issuance of a card for a person under 65 years of age. The fee for a person 65 years of age or older is Five Dollars (\$5.00).

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Turner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Glasgow, Haley and Zaffirini asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Henderson in Chair)

COMMITTEE SUBSTITUTE**HOUSE BILL 2277 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2277, Relating to Braille instruction for blind or visually handicapped students.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 2277** by inserting the following new SECTION 4 and renumbering subsequent sections accordingly:

SECTION 4. Section 12.03, Education Code is amended by adding Subsection (e-1) to read as follows:

(e-1) (1) On the effective date of this Act, the State Board of Education shall appoint a commission to expedite the implementation of Subsection (e) of this section. The commission shall be composed of no more than 12 individuals nominated by the Commissioner of Education from within or outside Texas, including but not limited to:

- (A) computer software developers,
- (B) producers of Braille textbooks,
- (C) specialist in Braille education,
- (D) representatives of the Texas Education Agency,
- (E) publishers of elementary and high school textbooks, and
- (F) at least one consumer, or an advocate for consumers, of Braille

materials.

(2) The Commissioner shall appoint a chairman from among the commission members.

(3) Public members of the commission shall serve at their own expense and are not entitled to reimbursement by the state for their participation in the commission's activities. Representatives of a state agency shall be reimbursed from the funds of that agency.

(4) The commission shall:

(A) work with textbook publishers on the development of processes for converting formatted text files to American Standard Code for Information Interchange (ASCII) text files needed for the production of Brailled textbooks with translation software;

(B) survey ongoing efforts in Texas and elsewhere to develop computer software needed for automated conversion of publisher text files to the ASCII format and recommend additional software development projects, if needed. If additional developments efforts are needed, the commission shall work with publishers and software developers to prioritize typesetting system conversion efforts;

(C) study the feasibility of implementing a process by which textbook publishers can transmit computerized textbook ASCII data files through modem communication directly to the computers of organizations producing Braille textbook masters; and

(D) study any other issues the commission determines are relevant and necessary to the implementation of Subsection (e).

(5) The Commissioner and the State Board of Education shall report the commission's findings and a summary of their activities to the 73rd Texas Legislature.

(6) Unless continued in existence by further Acts of the Texas Legislature, the commission is abolished on September 1, 1993.

The amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.H.B. 2277 by deleting Sections 4, 5, and 6 and adding the following:

SECTION 4. Section 51.306(1), Education Code, is amended to read as follows:

(1) An [This section does not apply to deaf or blind students, and an] institution may not require a deaf or blind student to take the test required by this section as a condition for enrollment in an upper-division course or require a deaf or blind student to participate in a remediation program as a result of the test.

SECTION 5. Effective September 1, 1992, Section 51.306, Education Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) This section applies to a blind student only if the test is administered to that student in large-print or braille or is administered by audio cassette, as appropriate to that student.

(m) This section does not apply to a deaf student.

SECTION 6. Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.3061 to read as follows:

Sec. 51.3061. TESTING AND REMEDIAL COURSEWORK FOR DEAF STUDENTS. (a) In this section:

(1) "Deaf student" means a student who is a deaf person, as defined by Section 54.205(a) of this code.

(2) "Institution of higher education" has the meaning assigned by Section 61.003 of this code.

(b) Beginning with the fall semester in 1993 a deaf student who enrolls at an institution of higher education must take the Stanford Achievement Test, nationally normed on the hearing-impaired population by Gallaudet University, if the student:

(1) is a full-time or part-time freshman enrolled in a certificate or degree program and has less than nine semester credit hours; or

(2) is a transfer student, has less than 60 semester credit hours, and has not previously taken the test required by this section.

(c) The Central Education Agency shall administer the test.

(d) A deaf testing committee is established to determine required performance standards on the test and to determine required remedial coursework for students who fail the test.

(e) The deaf testing committee consists of the following seven members:

(1) a person appointed by the Central Education Agency's testing and evaluation division;

(2) a person appointed by the Central Education Agency's office on deaf education;

(3) an administrator of the deaf student services program at the Texas State Technical Institute;

(4) a vice-president of the Southwest Collegiate Institute for the Deaf;

(5) a person appointed by Eastfield College's deaf support services program;

(6) a person appointed by Houston Community College's deaf support services program; and

(7) a person appointed by Eastfield College's Gallaudet extension program.

SECTION 7. Section 2(a), Chapter 234, Acts of the 71st Legislature, Regular Session, is amended to read as follows:

(a) Section 51.306(1), Education Code, as added by this Act, expires September 1, 1992 [1991].

SECTION 8. Not later than May 1, 1992, the deaf testing committee established under Section 51.3061, Education Code, as added by this Act, shall establish performance standards on the test required under that section and shall establish remedial coursework requirements for students who fail the test.

SECTION 9. (a) Except as provided by Section 5 of this Act and subsection (b) and (c) of this section, this Act takes effect immediately.

(b) Sections 1 and 3 of this Act take effect September 1, 1991.

(c) Section 2 of this Act takes effect September 1, 1993.

SECTION 10. Notwithstanding Section 9(b) of this Act, the State Board of Education may adopt rules for the implementation of Section 13.032(j), Education Code, as added by this Act, at any time in anticipation of the effect of that provision.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 2277 ON THIRD READING

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 2277 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1147 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1147, Relating to the frequency of payment of certain county officers.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend **H.B. 1147** as follows:

(1) Insert a new Section (5) to read as follows:

Section 5(a) This section applies only to a county with a population of more than 1,500,000 according to the most recent federal decennial census.

(b) A deputy sheriff in the county assigned to duty as a bailiff is entitled to the same salary and benefits as a deputy sheriff assigned to other duty.

(2) Renumber current Section 5 of the bill as Section 6.

The amendment was read.

Senator Leedom moved to table the amendment.

The motion was lost by the following vote: Yeas 9, Nays 14.

Yeas: Bivins, Brooks, Brown, Henderson, Leedom, Montford, Ratliff, Sibley, Sims.

Nays: Barrientos, Dickson, Ellis, Green, Haley, Johnson, Lyon, Moncrief, Parker, Rosson, Tejada, Truan, Whitmire, Zaffirini.

Absent: Armbrister, Carriker, Glasgow, Harris of Tarrant, Harris of Dallas, Krier, Lucio, Turner.

Question—Shall the amendment be adopted?

POINT OF ORDER

Senator Leedom raised the Point of Order that the amendment was not germane to the bill.

The Presiding Officer ruled that the Point of Order was well-taken and sustained.

The bill was passed to third reading by a viva voce vote.

HOUSE BILL 1147 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 1147 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 150 ORDERED NOT PRINTED

On motion of Senator Glasgow and by unanimous consent, H.B. 150 was Ordered Not Printed.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills tomorrow:

H.B. 8
H.B. 455
H.B. 757
H.B. 848
H.B. 1363
H.B. 1719
H.B. 2009
H.B. 2269
H.B. 2783
H.B. 2898
H.B. 172
H.B. 2605

PERMISSION TO MEET GRANTED

On motion of Senator Glasgow and by unanimous consent, the Senate Conferees on S.B. 1 were granted permission to meet while the Senate was in session.

GUEST PRESENTED

Senator Truan was recognized and introduced his special guest, Mario Obledo, a former Texan and the former Secretary of Health and Welfare of California.

The Senate welcomed Mr. Obledo.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider the following bills today:

H.B. 476
H.B. 420
H.B. 1648
H.B. 1744
H.B. 528
H.B. 827

PERMISSION TO MEET GRANTED

On motion of Senator Carriker and by unanimous consent, the Subcommittee on Elections and Ethics was granted permission to meet while the Senate was in session.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Carriker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Elections and Ethics might consider the following bills today:

H.B. 1637
H.B. 1939
H.B. 2552

SENATE RULE 11.11 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Insurance might consider the following bills tomorrow:

H.B. 712
H.B. 872
H.B. 2036
H.B. 2071
H.B. 2072
H.B. 2185
H.B. 2186
H.B. 2409
H.B. 2496
H.B. 2048

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider the following bills today:

H.B. 2441
H.B. 1889
H.B. 1682

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider the following bills today:

H.B. 1411
H.B. 1767
H.B. 42
H.B. 222

SENATE RULE 11.11 SUSPENDED

On motion of Senator Lyon and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Criminal Justice might consider the following bills today:

H.B. 521
H.B. 1657

MESSAGE FROM THE HOUSE

House Chamber
May 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 6, Proposing a constitutional amendment relating to investments by statewide public retirement systems. (As substituted and amended)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 429 WITH HOUSE AMENDMENT

Senator Green called **S.B. 429** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment - Smithee

Amend **S.B. 429** by substituting the following:

A BILL TO BE ENTITLED
AN ACT

relating to the continuation and composition of the Texas Board of Architectural Examiners and the board's functions regarding architects, landscape architects, and interior designers; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10A, Revised Statutes, is amended by adding Article 249e to read as follows:

Art. 249e. REGULATION OF PRACTICE OF INTERIOR DESIGN

Sec. 1. DEFINITIONS. In this article:

- (1) "Board" means the Texas Board of Architectural Examiners.
- (2) "Interior design" means the:

(A) identification, research, or development of creative solutions to problems relating to the function or quality of the interior environment;

(B) performance of services relating to interior spaces, including programming, design analysis, space planning of non-load-bearing interior construction, and application of aesthetic principles, by using specialized knowledge of interior construction, building codes, equipment, materials, or furnishings; or

(C) preparation of interior design plans, specifications, or related documents about the design of non-load-bearing interior spaces.

(3) "Interior designer" means a person who is registered under this article.

Sec. 2. LIMITATION ON SCOPE OF INTERIOR DESIGN. The registration of a person under this article does not authorize the registrant to engage in:

(1) the planning or designing of architectural interior construction or the engineering of building systems, including structural, electrical, plumbing, heating, ventilating, air-conditioning, or mechanical systems; or

(2) the practice of engineering as described in The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes) or the practice of architecture as described in Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes).

Sec. 3. PROHIBITIONS. Unless a person is registered in accordance with this article, the person may not:

(1) represent that the person is an "interior designer" by the use of that title; or

(2) represent, by use of the term "interior design," a service the person offers or performs.

Sec. 4. EXEMPTIONS. This article does not:

(1) apply to a person who does not use the title "interior designer" and who does not use the term "interior design" to describe a service the person offers or performs;

(2) apply to an architect registered to practice in this state;

(3) prohibit an employee of a registered interior designer or of a registered architect from performing interior design services under the control, instruction, or supervision of the registered interior designer or the registered architect; or

(4) restrict the practice or activities of, or the provision of services by, a person licensed or registered in this state under any other law while the person is engaging in the profession or occupation for which the person is licensed or registered.

Sec. 5. GENERAL POWERS AND DUTIES OF BOARD. (a) The board shall establish the qualifications of applicants for registration and registration renewals under this article. The board shall establish standards of conduct for registrants.

(b) The board may revoke, suspend, or deny a registration certificate, place on probation a registrant whose certificate has been suspended, or reprimand a registrant for a violation of this article or a rule adopted under this article.

(c) The board shall prepare information of interest to consumers describing the functions of the board under this article and how the legal rights of consumers are affected by this article. The information must describe the procedures by which a consumer complaint is filed with and resolved by the board. The board shall make the information available to the public and to the appropriate state agencies.

(d) The board shall adopt rules consistent with this article for the general administration of its provisions as provided by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(e) The board shall keep an information file about each complaint filed with the board that the board has authority to resolve. If a written complaint is filed with the board that the board has the authority to resolve, the board, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint, unless the notification would jeopardize an undercover investigation.

(f) The board may accept gifts, grants, and donations from any source for the purpose of funding any activity under this article. All gifts, grants, and donations must be accepted in an open meeting by a majority of the board and reported in the minutes with the name of the donor and purpose of the gift, grant, or donation.

(g) The board shall act to enhance and protect the public health, safety, and welfare in adopting rules or otherwise carrying out its powers and duties under this article.

Sec. 6. FUND; FEES. (a) All fees received by the board under this article shall be deposited to the credit of the architectural examiners fund and may be spent by the board only in the administration of its statutory powers and duties.

(b) The board shall set the following fees, unless otherwise set in the General Appropriations Act, in amounts that are reasonable and necessary to cover the costs of the administration of this article:

(1) a registration application fee in an amount not to exceed \$100;
(2) an annual registration renewal fee in an amount not to exceed \$100;

(3) a reciprocal registration fee in an amount not to exceed \$100; and
(4) an examination fee.

(c) The board may set fees, unless otherwise set in the General Appropriations Act, for the following in amounts that are reasonable and necessary to cover the costs of the administration of this article:

(1) a duplicate registration certificate;
(2) a roster of registered interior designers;
(3) the restoration of a revoked or suspended registration certificate;

and

(4) any other action of the board involving an administrative expense.

Sec. 7. RECORDS; ROSTER; REPORT. (a) The board shall keep a record of its proceedings under this article. The board shall keep a register of the applications for registration under this article that lists for each applicant:

(1) the applicant's name, address, and age;
(2) the date of application;
(3) the applicant's place of business;
(4) the applicant's educational and other qualifications;
(5) whether an examination was taken;
(6) whether the applicant was registered or was rejected;
(7) the date of the board's action on the application; and
(8) other information the board considers necessary.

(b) The board shall maintain an official roster showing the name, registration number, and address of all interior designers registered under this article. The roster shall be made available to the public for inspection and information. The board may publish the roster annually and may distribute copies of the roster to a person on payment of an administrative fee.

Sec. 8. REGISTRATION. (a) To be eligible for registration under this article, an applicant must:

(1) pay the required fees;
(2) pass the registration examination except as otherwise provided by this article; and

(3) have the other qualifications required by the board under Section 5 of this article.

(b) Each application for registration must:

(1) be on a form prescribed and furnished by the board; and

(2) include a verified statement of the applicant's education and a detailed summary of the applicant's interior design work experience.

(c) The board shall issue a registration certificate to an applicant who presents satisfactory evidence that the applicant has the qualifications required by this article or by the rules adopted by the board, except as otherwise provided by this article.

Sec. 9. ELIGIBILITY FOR EXAMINATION. (a) An applicant for registration must apply to the board, on a form prescribed by the board, for admission to the registration examination, except as otherwise provided by this article.

(b) The application for admission to the registration examination must be accompanied by evidence satisfactory to the board that the applicant:

(1) has engaged in professional education in interior design and has experience in the field of interior design for periods that, when combined, total at least six years; or

(2) has graduated from an interior design educational program recognized and approved by the board and has at least one year of professional experience in the field of interior design.

(c) In determining eligibility for the examination under Subsection (b)(1) of this section, the board may not give credit for more than five years of professional education.

(d) The board shall adopt rules establishing standards for:

(1) the amounts and types of professional education and experience necessary for registration examination eligibility; and

(2) the recognition and approval of interior design educational programs.

Sec. 10. EXAMINATIONS. (a) An applicant for registration must successfully complete the examination adopted by the board, except as provided by this article. The examination must cover subjects established by the board in its rules and must be graded according to rules adopted by the board. The board may adopt by rule the examination of the National Council for Interior Design Qualification or a comparable examination.

(b) The board shall determine the time and place for each examination. The examination shall be offered at least once a year. The board shall give reasonable public notice of the examination in the manner provided by its rules.

(c) Not later than the 30th day after the date on which a registration examination is administered under this article, the board shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the board shall notify each examinee of the results of the examination not later than the 30th day after the date on which the board receives the results from the testing service. If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the board shall notify each examinee of the reason for the delay before the 90th day.

(d) If requested in writing by a person who fails a registration examination administered under this article, the board shall furnish the person with an analysis of the person's performance on the examination.

Sec. 11. REGISTRATION WITHOUT EXAMINATION. (a) A person who has practiced interior design for at least six years before September 1, 1991, is entitled to registration without examination if the person complies with all other requirements for registration under this article before September 1, 1992.

(b) For the purposes of this section, a person is considered to have practiced interior design if the person, independently or in the course of regular employment, performed or offered to perform interior design services or taught interior design at an institution of higher education in an accredited degree program in interior design recognized by the board. Any combination of periods spent offering interior design services or teaching totaling at least six years satisfies the requirement of this section.

(c) A person who applies for registration before September 1, 1992, is eligible for registration without examination on the completion of six years of practice as an interior designer if that person was practicing interior design before September 1, 1991, and if the person meets all other requirements for registration under this article.

Sec. 12. RECIPROCAL REGISTRATION. The board may waive any registration requirement for an applicant if:

(1) the applicant is licensed or registered as an interior designer by another state;

(2) the requirements for licensing or registration in the other jurisdiction are substantially equivalent to those of this state;

(3) the applicant submits an application form and pays an administrative fee to the board; and

(4) the applicant is in good standing with the jurisdiction that granted the applicant a license or registration.

Sec. 13. CERTIFICATE; SEAL. (a) An applicant for registration under this article is entitled to a registration certificate issued by the board if the applicant complies with all requirements for registration under this article and the rules adopted by the board.

(b) A registrant under this article is entitled to use any seal adopted by the board.

Sec. 14. EXPIRATION AND RENEWAL OF REGISTRATION. (a) The board by rule may adopt a system under which registration certificates expire on various dates during the year. For the year in which the expiration date is changed, registration fees shall be prorated on a monthly basis so that each registrant must pay only that portion of the fee that is allocable to the number of months during which the certificate is valid. On renewal of the certificate on the new expiration date, the total registration renewal fee is payable.

(b) If a person's registration certificate has been expired for 90 days or less, the person may renew the registration by paying to the board the required renewal fee and a fee that is one-half of the registration examination fee.

(c) If a person's registration certificate has been expired for longer than 90 days but less than one year, the person may renew the registration by paying to the board the unpaid renewal fee and a fee that is equal to the registration examination fee.

(d) At least 30 days before the expiration of a person's registration certificate, the board shall send written notice of the impending expiration to the person at the registrant's last known address according to the records of the board.

(e) If failure to renew continues for one year or longer after the date of expiration of the registration certificate, the certificate may be revoked. The board may require an applicant for renewal whose registration has been revoked under this subsection to pass the registration examination. If the applicant passes the examination, the registration may be renewed on payment of a fee equal to the examination fee.

Sec. 15. REVOCATION, SUSPENSION, OR DENIAL OF REGISTRATION; DISCIPLINE OF REGISTRANT. (a) The board shall deny registration of an applicant or may revoke or suspend a registration certificate, place on probation a registrant whose certificate has been suspended, or reprimand a registrant if the applicant or registrant has:

(1) been convicted of a felony or of a misdemeanor involving moral turpitude;
(2) obtained or attempted to obtain a registration certificate by fraud or deception;
(3) been grossly negligent in performing professional duties;
(4) practiced in a manner detrimental to the public health, safety, or welfare;
(5) advertised in a manner that tends to deceive or defraud the public;
(6) aided or abetted any person not registered under this article in violating this article; or
(7) failed to comply with the requirements of this article or with a rule of the board adopted under this article.

(b) If a registration suspension is probated, the board may require a person holding a registration certificate:

(1) to report regularly to the board on matters that are the basis of the probation;
(2) to limit practice to the areas prescribed by the board; or
(3) to continue or renew professional education until the practitioner attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

(c) A person may file with the board a notice of a ground for the denial of registration or for the discipline of a registrant. The executive director of the board or the designee of the executive director shall investigate and make findings about the alleged ground as the executive director or the designee considers necessary and shall report to the board the findings and any recommendations for action.

(d) If the board proposes to suspend or revoke a person's registration, the person is entitled to a hearing before the board or a hearings officer appointed by the board. The board shall prescribe procedures by which all decisions to suspend or revoke are made by or are appealable to the board.

(e) After the 180th day after the date of a denial, revocation, suspension, or denial of renewal of a registration certificate, and on payment of all fees and costs the board incurred as a result of the case that led to the action at issue, the person may apply to the board for registration or restoration of a registration certificate. The board may issue or restore a registration certificate if the person presents evidence to support the issuance or restoration.

Sec. 16. PENALTY. (a) A person commits an offense if the person knowingly or intentionally violates Section 3 of this article or a standard of conduct adopted under this article.

(b) An offense under this section is a Class C misdemeanor.

SECTION 2. Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), is amended by amending Sections 2, 2a, 3, 4, 5, 8, 11, 12, 12A, 12B, 12C, and 16, by amending Section 6, as amended by Chapters 81 and 737, Acts of the 68th Legislature, Regular Session, 1983, and by adding Sections 4A and 5A to read as follows:

Sec. 2. (a) The [There is hereby created a Board of Architectural Examiners to be known as the] Texas Board of Architectural Examiners is composed of nine members as follows:

(1) [~~and such Board shall consist of~~] four [(4)] members must be reputable practicing architects who have resided in the State of Texas and have been actively engaged in the practice of architecture for the five [(5)] years [next] preceding their appointment;[;]

(2) ~~one member must be a~~ [two (2) members who are licensed] landscape architect registered [architects] under the laws of this State;[;]

(3) ~~one member must be a~~ professional interior designer registered under Article 249e, Revised Statutes; and

(4) three [(3)] members must be representatives of the general public and, notwithstanding Subsection (e) of this section, at least one of the public members must be a person with a physical disability [who are not registered architects or licensed landscape architects and who do not have, other than as consumers, financial interests in the practice of architecture or landscape architecture].

(b) Members of the Board are appointed by the Governor of this State. Members hold office for staggered terms of six years, with three members' terms expiring[-The terms of office of the appointees who fill the offices of incumbent members whose terms expire June 21, 1981, 1983, and 1985, shall expire January 31, 1987, 1989, and 1991, respectively. All succeeding members shall serve until] January 31 of each odd-numbered year [years]. All vacancies occurring in the membership of said Board shall be filled by appointment by the Governor of this State for the unexpired term of such membership. All appointments to said Board shall be subject to confirmation by the Texas Senate.

(c) Not more than one [(+)] member of said Board shall be a stockholder or owner of any interest in, nor be a member of the faculty, or board of trustees, or other governing board of, nor be an officer of, any school or college which teaches architecture, interior design, or landscape architecture.

(d) A member of said Board shall not be disqualified for, nor prohibited from, performing any work or rendering any service on any State, county, municipal, or other public building or work for a fee or other direct compensation because of membership on said Board.

(e) Appointments to the Board shall be made without regard to the race, color, handicap [creed], sex, religion, age, or national origin of the appointees.

(f) A person is not eligible for appointment as a public member of the Board if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of architecture, interior design, or landscape architecture;

(2) is employed by or participates in the management of a business entity or other organization regulated by the Board or receiving funds from the Board;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the Board or receiving funds from the Board; or

(4) uses or receives a substantial amount of tangible goods, services, or funds from the Board, other than compensation or reimbursement authorized by law for Board membership, attendance, or expenses.

(g) An officer, employee, or paid consultant of a Texas trade association in the field of architecture, interior design, or landscape architecture may not be a member of the Board or an employee of the Board who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(h) A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of architecture, interior design, or landscape architecture may not be a Board member and may not be a Board employee who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(i) For the purposes of Subsections (g) and (h) of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this State designed to assist its members and

its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(j) It is a ground for removal from the Board if a member:

(1) does not have at the time of appointment the qualifications required by Subsection (a) or (f) of this section;

(2) does not maintain during service on the Board the qualifications required by Subsection (a) or (f) of this section;

(3) violates a prohibition established by Subsection (g) or (h) of this section or by Section 4(b) of this Act;

(4) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) is absent from more than half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the Board.

(k) The validity of an action by the Board is not affected by the fact that it is taken when a ground for removal of a Board member exists.

(l) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the chairman of the Board of the ground. The chairman shall then notify the Governor that a potential ground for removal exists.

[Failure of a Board member to attend at least one-half of the regularly scheduled meetings held each year automatically removes the member and creates a vacancy on the Board.]

[A member or employee of the Board may not be an officer, employee, or paid consultant of a professional society in the architecture and landscape architecture professions.]

[A member or employee of the Board may not be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a professional society in the regulated profession.]

Sec. 2a. The Texas Board of Architectural Examiners is subject to [the Texas Sunset Act] Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter [Act], the board is abolished and this Act expires September 1, 2003 [1994].

Sec. 3(a). The members of the Texas Board of Architectural Examiners shall, before entering upon the discharge of their duties, qualify by subscribing to, before a Notary Public or other officer authorized by law to administer oaths, and filing with the Secretary of State, the Constitutional oath of office. The Governor shall designate one member of the Board as chairman of the Board to serve in that capacity at the pleasure of the Governor. The members of the Board [They] shall, [as soon as organized, and] annually [thereafter] in the month of January, elect from their number a [chairman and] vice-chairman. A secretary-treasurer of this Board shall be appointed by the Board and shall hold office at the pleasure of the Board. The secretary-treasurer may, but need not, be a Member of the Board. The secretary-treasurer, before entering upon his duties, shall make and file a bond of not less than [Five Thousand Dollars] [\$5,000[.00]] with the State Comptroller. Said bond shall be payable to the Governor of this State for the benefit of said Board; shall be conditioned upon the faithful performance of the duties of such officer, and shall be in such form as may be approved by the Attorney General of this State; and shall be executed by a surety company, as surety, and be approved by the Texas Board of Architectural Examiners. The premium on the bond shall be paid from the Architectural Examiners [Architects Registration] Fund.

(b). The Board shall adopt all reasonable and necessary rules, regulations, and by-laws not inconsistent with the Texas Constitution, the laws of this State, and this

Act for the performance of their duties in administering this Act. ~~[If the appropriate standing committees of both houses of the legislature acting under Subsection (g), Section 5, Administrative Procedure and Texas Register Act, as added (Article 6252-13a, Vernon's Texas Civil Statutes), transmit to the Board statements opposing adoption of a rule under that section, the rule may not take effect, or if the rule has already taken effect, the rule is repealed effective on the date the Board receives the committees' statements.]~~ The Board shall adopt a seal, which shall be used on official documents. The design of the seal shall be similar to the seal of other departments of the State, in that it shall contain the five-pointed star with a circular border, and within the border shall contain the words, "Texas Board of Architectural Examiners".

(c). The secretary-treasurer of the Board shall keep a correct record of all the proceedings of the Board and of all moneys received or expended by the Board, which record shall be open to public inspection at all reasonable times. The records shall reflect all renewals or refusals of certificates of registration; and they shall also contain the name, known place of residence, and the date and serial number of the registration certificate of every registered architect entitled to practice his or her profession in this State, and a record of all renewals of such certificates.

(d). The Board shall cause the prosecution of all persons violating any of the provisions of this Act, and may incur the expense reasonably necessary in that behalf.

(e). The Board may recognize, prepare, or administer continuing education programs for architects, interior designers, or landscape architects. Participation in the programs is voluntary.

(f). The Board shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability may be provided access to the Board's programs.

(g). The Board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the Board.

(h). The Board may set a fee for any action of the Board involving an administrative expense in an amount that is reasonable and necessary to cover the cost of the administration of this Act, unless otherwise set by this Act or by the General Appropriations Act.

(i) [(e)]. The Board is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

Sec. 4(a). All fees collected or money derived under the provisions of this Act shall be received and accounted for by the secretary-treasurer. All of these funds which are received shall be paid weekly to the State Treasurer, who shall keep this money in a separate fund to be known as the Architectural Examiners [Architects Registration] Fund. This fund may be used only for the administration of the powers and duties of the Board and shall be paid out only by warrants of the State Comptroller, upon itemized vouchers, approved by the chairman or acting chairman and attested by the secretary-treasurer of the Board. Disbursements shall not in any way be a charge upon the General Revenue Fund of this State.

(b). To aid the Board in performing its duties, the Board shall maintain an office in Austin, Travis County, Texas. The Board may employ an executive director to conduct the affairs of the Board under the Board's direction. The executive director shall receive a salary which the Board shall determine. The Board shall employ clerical help and assistants as are necessary for the proper performance of its work and may make expenditures for this purpose. A person may not serve as a member of the Board or act as the general counsel to the Board if the person is required to register as a lobbyist under Chapter 305, Government Code, because

of the person's activities for compensation on behalf of a profession related to the operation of the Board. ~~[A person who is required to register as a lobbyist under Chapter 305, Government Code, may not serve as a member of the Board or act as the general counsel to the Board.]~~

~~[(c). Each member of the Board shall receive as compensation the sum of Twenty-Five Dollars (\$25.00) per day for each day he is actually engaged in the duties of his office, including time spent in necessary travel, together with all legitimate expenses incurred in the performance of his duties. All per diem and expenses incurred under this Act shall be paid from the Architects Registration Fund as provided in this Act.]~~

Sec. 4A. (a) Each member of the Board is entitled to the per diem set by legislative appropriation for each day that the member engages in the business of the Board. A member is entitled to compensation for travel expenses, including food, lodging, and transportation expenses, as provided by the General Appropriations Act.

(b) The per diem and expenses of the members of the Board shall be paid from the Architectural Examiners Fund.

(c) General revenue funds may not be used for the administration of this Act except as provided by the General Appropriations Act.

Sec. 5(a). A majority of the membership of the Board shall constitute a quorum. Regular meetings of the Board shall be held at such times as the Board may fix and determine. Special meetings of the Board shall be called by the chairman, or in his absence from the State, or inability to act, by the vice-chairman of the Board.

(b). In addition to the powers and duties granted to the Board by other provisions of this Act, the Board may make all rules consistent with the laws and constitution of this State which are reasonably necessary for the proper performance of its duties, the regulation of the practice of architecture and the examination and registration of applicants to practice architecture in this State, and the enforcement of this Act.

(c). The Texas Board of Architectural Examiners is hereby empowered and authorized to enforce such rules and regulations, the provisions of this Act, and the statutes of this state pertaining to the practice of architecture, by applying to a court of competent jurisdiction in the county of the residence of the defendant or the county where the violation occurred for relief by injunction, restraining order, or such other relief as may be available from such court, in order to enjoin or restrain a person, firm, corporation, partnership or any other group or combination of persons from the commission of any act which is contrary to or in violation of such rules, regulations or statutes. The Board has the right to institute these actions in its own name. The remedy provided by this section shall be in addition to any other remedy provided by law. The Board may be represented by the Attorney General, the District Attorney, or the County Attorney, and by other counsel when necessary.

(d). The Board may not adopt [promulgate] rules restricting competitive bidding or advertising by a person regulated by the Board [licensees] except to prohibit false, misleading, or deceptive practices by the person. The Board may not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the Board a rule that:

(1) restricts the use of any medium for advertising;

(2) restricts the person's personal appearance or the use of the person's voice in an advertisement;

(3) relates to the size or duration of an advertisement by the person;

or

(4) restricts the person's advertisement under a trade name.

(e). The Board shall keep an information file about each complaint filed with the Board that the Board has authority to resolve [relating to a licensee]. If a written

complaint is filed with the Board ~~that the Board has the authority to resolve [relating to a licensee], the Board, at least [as frequently as] quarterly and until final disposition of the complaint, shall notify the parties to the complaint [complainant] of the status of the complaint unless the notice would jeopardize an undercover investigation [until the complaint is finally disposed of].~~

Sec. 5A. (a) ~~The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The policy statement must include:~~

~~(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel;~~

~~(2) a comprehensive analysis of the Board work force that meets federal and state guidelines;~~

~~(3) procedures by which a determination can be made of significant underuse in the Board work force of all persons for whom federal or state guidelines encourage a more equitable balance; and~~

~~(4) reasonable methods to appropriately address those areas of significant underuse.~~

~~(b) A policy statement prepared under Subsection (a) of this section must cover an annual period, be updated at least annually, and be filed with the governor's office.~~

~~(c) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (b) of this section. The report may be made separately or as a part of other biennial reports made to the legislature.~~

~~(d) The Board shall provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this Act and their responsibilities under applicable laws relating to standards of conduct for state officers and employees.~~

~~(e) The Board shall develop and implement policies that clearly define the respective responsibilities of the Board and the staff of the Board.~~

~~(f) The executive director or the executive director's designee shall develop an intra-agency career ladder program. The program shall require intra-agency postings of all nonentry level positions concurrently with any public posting.~~

~~(g) The executive director or the executive director's designee shall develop a system of annual performance evaluations. All merit pay for Board employees must be based on the system established under this subsection.~~

Sec. 6(a). It shall be the duty of the Texas Board of Architectural Examiners to hold meetings at least twice each year at such times and places as the Board may determine for the purpose of transacting its business and to examine all applicants for a registration certificate for the ~~[license to]~~ practice of architecture in this State on any subjects and procedures pertaining to architecture which the Board in its discretion may require.

(b). Each person applying for examination shall pay to the Board a uniform fee prescribed by the Board in an amount that is reasonable and necessary to defray the cost of administering the examination, but which shall not exceed ~~[Three Hundred Dollars-] \$300[-00]~~. The Board shall report to each applicant within a reasonable time after the examination whether or not the applicant passed or failed the examination. An applicant who has passed the examination shall be granted a certificate to practice architecture in this State. The original certificate herein provided for shall be valid for the balance of the current registration year and must be renewed each year thereafter in the manner and time provided by law.

(c). ~~Not later than the 30th day after the date on which a registration examination is administered under this Act, the Board shall notify each examinee~~

of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the Board shall notify each examinee of the results of the examination not later than the 30th day after the date on which the Board receives the results from the testing service. If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the Board shall notify each examinee of the reason for the delay before the 90th day.

(d). If requested in writing by a person who fails a registration examination administered under this Act, the Board shall furnish the person with an analysis of the person's performance on the examination [A person shall be notified of the results of an examination taken by the person within 30 days after the testing date. However, if an examination given under this Act is graded or reviewed by a national testing service, the Board shall notify examinees of the results of the examination within two weeks after the Board's receipt of the results from the national testing service. In no event shall more than 90 days elapse between the testing date and notification of the results unless the Board notifies the examinees of the reason for the delay in notification. The Board shall send to the person not later than the 30th day after the day on which the request is received by the Board an analysis of the person's performance on the examination.

[(d). An out-of-state applicant who applies for examination in this State shall pay an examination fee in an amount fixed by the Board, not to exceed \$100].

Sec. 8(a). The Texas Board of Architectural Examiners may waive any registration requirement for an applicant with a valid license or certificate of registration from another state having licensing or registration requirements substantially equivalent to those of this state[, in its discretion in each instance, grant a certificate to practice architecture in this State to an architect who possesses a valid and current certificate or license to practice architecture in another State or territory of the United States of America or of another country, where the requirements and qualifications of such other jurisdiction were equal to or the equivalent of the requirements of the Texas Board of Architectural Examiners at the time of the granting of the certificate or license to practice architecture in the other jurisdiction]. An applicant for a certificate under this section [shall possess all of the other qualifications prescribed in this Act for other applicants and] shall make application in the same manner and form as any other applicant; and such applicant shall furnish the Board such documents and other evidence concerning his application and qualifications as will substantiate his qualifications.

(b). All applications under this Section shall be accompanied by a fee of [One Hundred Dollars-] \$100[.00] payable to the Texas Board of Architectural Examiners for the processing and investigating of the application so filed and for the issuance of the certificate herein provided for. The provisions of this section shall apply only where the laws, legal requirements and regulations of such other jurisdiction extend like or similar privileges to practice architecture in such other jurisdiction to registered architects of this State.

Sec. 11. (a) Registration certificates of architects issued in accordance with this Act shall remain in full force and effect until expiration date unless revoked or suspended for cause as herein provided.

(b) The Board may revoke or suspend a registration certificate, place on probation a person whose registration certificate has been suspended, reprimand a person registered under this Act, or assess an administrative penalty against a person registered under this Act in an amount not to exceed \$1,000 on the following grounds:

- (1) a violation of this Act or of a rule of the Board adopted under this Act;
- (2) a cause for which the Board is authorized to refuse to grant a registration certificate;

(3) gross incompetency;

(4) recklessness in the construction or alteration of a building by an architect designing, planning, or observing the construction or alteration; or

(5) dishonest practice by one holding a registration certificate.

(c) If a registration suspension is probated, the Board may require a person holding a registration certificate:

(1) to report regularly to the Board on matters that are the basis of the probation;

(2) to limit the person's practice to areas prescribed by the Board; or

(3) to continue or renew professional education until the person attains a degree of skill satisfactory to the Board in those areas that are the basis of the probation.

(d) If the Board proposes to suspend or revoke a person's registration, the person is entitled to a hearing before the Board or a hearings officer appointed by the Board. The Board shall prescribe procedures by which all decisions to suspend or revoke are made by or are appealable to the Board.

(e) If, after investigation of the facts surrounding an allegation of a ground for a sanction provided by this section, the executive director determines that a ground exists for a sanction, the executive director may issue a report stating the facts on which the determination that a ground exists for a sanction is based, recommending that an administrative penalty under this section be imposed on the person charged, and recommending the amount of that proposed penalty. The executive director shall base the recommended amount of the proposed penalty on the seriousness of the determined ground. The seriousness of the ground shall be determined by consideration of the factors prescribed by Subsection (i) of this section.

(f) Not later than the 14th day after the date on which the report is issued, the executive director shall give written notice of the report to the person charged. The notice shall include a brief summary of the charges, a statement of the amount of the penalty recommended, and a statement of the right of the person charged to a hearing on the occurrence of a ground for the penalty or on the amount of the penalty, or both the occurrence of the ground and the amount of the penalty.

(g) Not later than the 20th day after the date on which the notice is received, the person charged may accept the determination of the executive director, including the recommended penalty, or may make a request for a hearing on the determination.

(h) If the person charged accepts the determination of the executive director, the Board shall issue an order approving the determination and ordering the payment of the recommended penalty.

(i) If the person charged requests a hearing or fails timely to respond to the notice, the Board shall set a hearing and give notice of the hearing. All proceedings under this subsection are subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(j) In determining the amount of the penalty, the Board shall consider:

(1) the seriousness of the conduct that is the source of the ground, including consideration of the nature, circumstances, extent, and gravity of any relevant acts or omissions, and of the hazard or potential hazard created to the health or safety of the public;

(2) the economic damage to property caused by the conduct;

(3) the charged person's history concerning previous grounds for sanction;

(4) the amount necessary to deter future grounds for sanction;

(5) efforts to correct the ground for sanction; and

(6) any other matter justice may require.

(k) The executive director shall give notice of the Board's order to the person charged. The notice must include:

- (1) the findings of fact and conclusions of law, separately stated;
- (2) the amount of the penalty ordered, if any;
- (3) a statement of the right of the person charged to judicial review of the Board's order; and
- (4) other information required by law.

(l) Within the 30 days after the date on which the Board's order becomes final as provided by Section 16(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), the person charged with the penalty shall pay the penalty in full unless the person has filed a petition for judicial review of the order.

(m) If the person files a petition for judicial review contesting the amount of the penalty or the occurrence of the ground for sanction, or both, the person shall, within 30 days after the date on which the Board's order becomes final:

- (1) forward the amount of the penalty to the Board for placement in an escrow account;
- (2) post with the Board a supersedeas bond in a form approved by the Board for the amount of the penalty, the bond to be effective until all judicial review of the order or decision is final; or
- (3) file with the Board an affidavit sworn by the person charged stating that the person is financially unable to forward the amount of the penalty or to post the bond.

(n) Failure to comply timely with the requirements of Subsection (m) of this section results in a waiver of all legal rights to judicial review. If the person charged fails to pay the penalty in full as provided by Subsection (l) of this section or to timely comply with Subsection (m) of this section, the Board may forward the matter to the attorney general for enforcement.

(o) Judicial review of the order or decision of the Board assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with a district court in Travis County, as provided by Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(p) If a penalty is reduced or is not assessed by the reviewing court, the Board shall remit to the person charged the appropriate amount plus accrued interest if the penalty has been paid or shall execute a release of the bond if a supersedeas bond has been posted. The accrued interest on amounts remitted by the Board under this subsection shall be paid at a rate equal to the rate charged on loans to depository institutions by the New York Federal Reserve Bank and shall be paid for the period beginning on the date the penalty is paid to the Board under Subsection (l) of this section and ending on the date the fine is remitted.

(q) A penalty collected under this section shall be deposited in the state treasury to the credit of the general revenue fund. [The registration certificate and right of any person to practice architecture in this State may be revoked or cancelled or a fine not to exceed One Thousand Dollars (\$1,000.00) may be levied against that person, or any combination thereof, by the Texas Board of Architectural Examiners after due notice and hearing and upon the proof of the violation of the law in any respect in regard thereto, or for any cause for which the Texas Board of Architectural Examiners is authorized to refuse to grant registration certificates, or for proof of gross incompetency, or for recklessness in the construction of buildings on the part of the architect designing, planning, or observing or supervising the construction or alteration of same, or for dishonest practice on the part of the holder of such registration certificate. The action of the Board in revoking or cancelling such registration certificate, refusing to grant a certificate, or assessing a fine may be

appealed in the manner provided by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes:)]

Sec. 12. (a) All certificates of registration shall expire annually on a date set by the Board as part of a staggered renewal system and shall become invalid on that date unless renewed.

(b) At least 30 days before the expiration of a person's registration certificate, the Board shall send written notice of the impending registration expiration to the person at the last known address of the person holding the registration certificate according to the records of the Board. [It shall be the duty of the secretary-treasurer of the Board to notify every person registered under this Act of the date of expiration of his or her certificate and the amount of the fee that shall be required for its renewal for one (1) year. The notice shall be mailed at least one (1) month in advance of the date of the expiration of said certificate.]

(c) The Board shall set required renewal fees in amounts [Renewal may be effected by the payment of a fee to be set by the Board, but] not to exceed [Fifty Dollars (\$50[.00]) for residents nor [One Hundred Dollars (\$100[.00]) for nonresidents.

(d) Upon receipt of the required fee within the time and in the manner provided by this section, [prescribed by the Board] the designated officer or employee of the Board shall issue to the registered architect a certificate of renewal of his or her registration certificate for the term of one (1) year.

(e) A person may renew an unexpired registration certificate by paying to the Board before the expiration date the required renewal fee.

(f) If a person's registration has been expired for 90 days or less, the person may renew the registration by paying to the Board the required renewal fee and a fee that is one-half of the examination fee.

(g) If a person's registration has been expired for longer than 90 days but less than one year, the person may renew the registration by paying to the Board the unpaid renewal fee and a fee that is equal to the examination fee for the registration.

(h) [Failure to renew a certificate of registration by the expiration date established by the Board shall result in an increase of the renewal fee by Twenty Dollars (\$20.00):] If failure to renew continues [shall continue] for one year or longer [more than ninety (90) days] after the date of expiration of the certificate of registration, such certificate to practice architecture in this State may be revoked and an entry of such revocation made in the official records of the Board; and thereafter the applicant may be required in the discretion of the Board in each case to take and satisfactorily pass such examination as may be prescribed by the Board, and if the applicant passes such examination successfully the fee to be paid upon the reinstatement of the registration certificate shall be equal to the examination fee; in such case, the sum not to exceed One Hundred Dollars (\$100.00) as set by the Board. All reinstated registration certificates shall carry the same certificate number as the original certificate].

(i) A registered architect, as herein defined, who is on active duty as a member of the Armed Forces of the United States of America subsequent to October 1, 1940, and who was at the time of his or her entry into said service or is now in good standing as a registered architect in this State, shall have his or her name continued on the list of registered architects and shall be exempt from the payment of any further fee during his or her service, as aforesaid, and until separated from the service; and when his or her active duty status ceases and he or she is separated from the service, he or she shall be exempt from payment of such fee for the then current fiscal year.

Sec. 12A. The board by rule may [shall] adopt a system under which registrations expire on various dates during the year. The date for mailing notice of suspension and the period for reinstatement shall be adjusted accordingly. For the

year in which the registration expiration date is changed, registration fees [payable ~~on September 30~~] shall be prorated on a monthly basis so that each registrant shall pay only that portion of the registration fee that [which] is allocable to the number of months during which the registration is valid. On renewal of the registration on the new expiration date, the total registration renewal fee is payable.

Sec. 12B. (a) The Board by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the Board for the purpose of directing complaints to the Board. The Board may provide for that notification:

(1) on each registration form, application, or written contract for services of an individual or entity regulated under this Act;

(2) on a sign prominently displayed in the place of business of each individual or entity regulated under this Act; or

(3) in a bill for service provided by an individual or entity regulated under this Act [In each written contract in which a licensee under this Act agrees to perform architectural services in this state, the licensee shall include the mailing address and telephone number of the board and a statement that the board has jurisdiction over individuals licensed under this Act].

(b) The Board shall prepare information of public interest describing the functions of the Board and the Board's procedures by which complaints are filed with and resolved by the Board. The Board shall make the information available to the public and to appropriate state agencies. [The board shall establish a public information program for the purpose of informing the public about the practice and regulation of architectural services in this state. As part of the program, the board shall prescribe and distribute in a manner that it considers appropriate a standard complaint form and shall make available to the general public and other appropriate state agencies the information compiled as part of the program.] The [program shall include] information also must [to] inform prospective applicants for registration [licensing] under this Act about the qualifications and requirements for registration [licensing].

Sec. 12C. (a) The board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting [Before September 1 of each year, the board shall file a written report with the legislature and the governor in which the board accounts] for all funds received and disbursed by the board during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

(b) The financial transactions of the board are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Sec. 16. (a) To protect the public health, safety, and welfare of the citizens of the State of Texas, an architect registered in accordance with this Act must prepare the architectural plans and specifications for:

(1) a new building that is to be constructed and owned by a State agency, a political subdivision of this State, or any other public entity in this State if the building will be used [intended] for education, assembly, or office occupancy and the [whose] construction costs exceed [One Hundred Thousand Dollars (\$100,000[.00]); or [which is to be constructed by a State agency, a political subdivision of this State, or any other public entity in this State]

(2) any alteration or addition to an existing building that is owned by a State agency, a political subdivision of this State, or any other public entity in this State if the building is used or will be used for education, assembly, or office occupancy, the construction costs of the alteration or addition exceed \$50,000, and the alteration or addition requires the removal, relocation, or addition of any walls or partitions or the alteration or addition of an exit.

(b) This section does not prohibit an owner of a building from choosing a registered architect or a registered professional engineer as the prime design professional for a building construction, alteration, or addition project.

(c) This section does not prevent, limit, or restrict a registered professional engineer from performing any act, performance, or work that is the practice of engineering as defined by The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes).

SECTION 3. Section 10, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), is amended by amending Subsection (h) and adding Subsection (j) to read as follows:

(h). A firm, partnership, association or corporation, including firms, partnerships, corporations and joint stock associations carrying on the practice of engineering under Section 17 of the Texas Engineering Practice Act, may engage in the practice of architecture and may hold itself out to the public as offering architectural services, provided that the actual practice of architecture on behalf of such firms, partnerships or corporations is carried on, conducted and performed only by architects registered~~[-and-licensed]~~ in this State.

(j). Nothing in this Act shall be construed to prohibit a registered professional engineer who has an architectural engineering degree from a public or private college or university from using the title "architectural engineer."

SECTION 4. Section 1(a), Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) "Landscape architect" means a person registered ~~[licensed]~~ to practice ~~[or teach]~~ landscape architecture in this state as provided herein.

SECTION 5. Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's Texas Civil Statutes), is amended by amending Sections 4, 6, 7, 7A, 8, 8A, 8B, 8C, and 10 and by amending Section 5, as amended by Chapters 81 and 247, Acts of the 68th Legislature, Regular Session, 1983, to read as follows:

Sec. 4. (a) The board may adopt rules and prescribe forms necessary to administer this Act.

(b) The board may set a fee for any action of the board involving an administrative expense in an amount that is reasonable and necessary to cover the cost of the administration of this Act, unless otherwise set by this Act or by the General Appropriations Act. [If the appropriate standing committees of both houses of the legislature acting under Subsection (g), Section 5, Administrative Procedure and Texas Register Act, as added (Article 6252-13a, Vernon's Texas Civil Statutes), transmit to the board statements opposing adoption of a rule under that section, the rule may not take effect, or if the rule has already taken effect, the rule is repealed effective on the date the board receives the committees' statements.]

Sec. 5. (a) No person shall represent himself as a landscape architect, as defined herein, unless such person has previously qualified to be registered ~~[licensed]~~ under this Act or satisfactorily passes the examination as may be prescribed by the board to be registered ~~[licensed]~~ as provided herein. The following persons shall be qualified for registration and receive a registration certificate ~~[license]~~: any person who has ~~[is over the age 18 years and having or holding]~~ a degree from a school whose study of landscape architecture is approved by the board, or shall have had not less than seven years' actual experience in the office of a registered ~~[licensed]~~ landscape architect, may apply for examination. The application must be accompanied by a registration fee, set by the board in an amount that is reasonable and necessary to defray administrative costs, not to exceed \$250. The examination shall ~~[to]~~ be approved by the members of the board and shall be given by the board at its office in Austin, Travis County, Texas, or such other place as the board may determine or designate. The scope of the examination and the methods of procedure

shall be prescribed by the board with special reference to the applicant's ability which will insure safety to the public welfare and the property rights.

(b) Not later than the 30th day after the date on which a registration examination is administered under this Act, the board shall notify each examinee of the results of the examination ~~[A person shall be notified of the results of an examination taken by the person within 30 days after the testing date].~~ However, if an examination given under this Act is graded or reviewed by a national testing service, the board shall notify each examinee ~~[examinees]~~ of the results of the examination not later than the 30th day after the date on which the board receives ~~[within two weeks after the board's receipt of]~~ the results from the national testing service. If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, [In no event shall more than 90 days elapse between the testing date and notification of the results unless] the board shall notify each examinee ~~[notifies the examinees]~~ of the reason for the delay before the 90th day ~~[in notification].~~

(c) If requested in writing by a person who fails the examination, the board shall furnish ~~[send to]~~ the person with ~~[not later than the 30th day after the day on which the request is received by the board]~~ an analysis of the person's performance on the examination.

Sec. 6. The board may waive any ~~[shall certify for]~~ registration requirement for ~~[without examination]~~ an applicant who has a valid license or certificate of registration from another ~~[is legally registered as a landscape architect in any]~~ state ~~[or country]~~ whose requirements for registration are ~~[at least]~~ substantially equivalent to the requirements of this state. Such application shall be accompanied by a fee to be determined by the board.

Sec. 7. (a) All certificates of registration shall expire each year on the day set by the board as part of a staggered renewal system and shall become invalid on that date unless renewed.

(b) At least 30 days before the expiration of a person's registration certificate, the board shall send written notice of the impending registration expiration to the person at the last known address of the person holding the registration certificate according to the records of the board.

(c) The board shall set a required renewal fee in an amount that is reasonable and necessary to defray administrative costs. [It shall be the duty of the secretary-treasurer of the board to notify every person registered under this Act of that date of expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected by payment of the fee as prescribed and set by the board.]

(d) Upon receipt of the required fee within the time and in the manner provided by this section ~~[prescribed by the board]~~, the designated officer or employee of the board shall issue to the licensed landscape architect a certificate of renewal of his registration certificate for the term of one year.

(e) A person may renew an unexpired registration certificate by paying to the board before the expiration date the required renewal fee.

(f) If a person's registration has been expired for 90 days or less, the person may renew the registration by paying to the board the required renewal fee and a fee that is one-half of the examination fee.

(g) If a person's registration has been expired for longer than 90 days but less than one year, the person may renew the registration by paying to the board all unpaid renewal fees and a fee that is equal to the examination fee for the registration.

(h) ~~[Failure to renew a certificate of registration by the expiration date established by the board shall result in an increase of the renewal fee by \$20.]~~ If

failure to renew ~~continues~~ [shall continue] for one year or longer ~~[more than 90 days]~~ after the date of expiration of the certificate of registration, the certificate may be revoked after notice and hearing as provided by this Act and an entry of the revocation made in the official records of the board. The board may require an applicant for renewal whose registration has been revoked under this subsection to pass the registration examination. If the applicant passes the examination, the registration may be renewed on payment of a fee equal to the examination fee. ~~[An applicant whose certificate is revoked under this section must pass an examination as prescribed by the board. The board shall set the fee for the renewal of the registration certificate in an amount that is reasonable and necessary to defray administrative costs. All renewal certificates shall carry the same registration number as the original certificate.]~~

Sec. 7A. The board by rule may ~~[shall]~~ adopt a system under which certificates of registration expire on various dates during the year. The date for mailing notice of expiration and the period for renewal shall be adjusted if necessary. For the year in which the registration expiration date is changed, registration fees payable on August 31 shall be prorated on a monthly basis so that each registrant shall pay only that portion of the registration fee that ~~[which]~~ is allocable to the number of months during which the registration is valid. On renewal of the registration on the new expiration date, the total of the registration fee is payable.

Sec. 8. (a) The board ~~shall~~ [has the power to] ~~revoke or suspend~~ the certificate of registration, place on probation a person whose certificate of registration has been suspended, or reprimand a person registered under this Act on the following grounds ~~[of any registrant who is charged with and found guilty of]:~~

(1) Violations of provisions of this Act or of a rule of the board adopted under this Act;

(2) The practice of any fraud or deceit in obtaining a certificate of registration;

(3) Any gross negligence, incompetency, or misconduct in the practice of landscape architecture;

(4) Holding himself out to the public or any member thereof as an engineer or making use of the words "engineer," "engineered," "professional engineer," "P.E.," or any other terms tending to create the impression that such registrant is authorized to practice engineering or any other profession unless he is licensed under provisions of the Texas Engineering Practice Act or the other applicable licensing laws ~~[law]~~ of this state.

(5) Holding himself out to the public or any member thereof as a surveyor or making use of the words "surveyor," "surveyed," "registered professional land surveyor," or any other terms tending to create the impression that such registrant is authorized to practice surveying or any other profession unless he is licensed under the Professional Land Surveying Practices Act (Article 5282c, Vernon's Texas Civil Statutes) or the other applicable licensing laws of this state.

(b) If a registration suspension is probated, the board may require a person holding a registration certificate:

(1) to report regularly to the board on matters that are the basis of the probation;

(2) to limit the person's practice to areas prescribed by the board; or

(3) to continue or renew professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

(c) A resident of this state may file with the secretary of the board a written statement charging a registrant with grounds for the discipline of a registrant. The statement must be verified and filed with three copies. ~~[(b) In determining the truth of any such charges the board shall proceed upon sworn information furnished it]~~

by any reliable resident of this state; such information shall be in writing and shall be duly verified by the person familiar with the facts therein charged, and three copies of the same shall be filed with the secretary of the board:] Upon receipt of a statement charging grounds for discipline, [such information] the board[; if it deems the information sufficient to support further action on its part;] shall investigate [make an order setting] the charges to determine whether they support disciplinary sanctions.

(d) If the board proposes to suspend or revoke a person's certificate of registration, the person is entitled to a hearing before the board or a hearings officer appointed by the board. The board shall prescribe procedures by which all decisions to suspend or revoke are made by or are appealable to the board. The [therein contained for hearing at a specified time and place, and the] secretary of the board shall cause a copy of the board's order setting the time and place of the hearing and a copy of the information contained in the written charges to be served upon the accused at least 30 days before the date appointed in the order for the hearing. The accused may appear in person or by counsel or both, at the time and place named in the order and make his defense to the same. The board shall have the power, through its chairman or secretary, to administer oaths and compel the attendance of witnesses before it as in civil cases in the district court, by subpoena issued over the signature of the secretary and the seal of the board.

(e) Any person who may feel himself aggrieved by reason of the suspension or revocation of his certificate of registration of the board, as hereinabove authorized, shall have the right to file suit within 30 days of receiving notice of the board's order suspending or revoking his certificate of [or] registration in the district court in the county of his residence or the county in which the alleged events relied upon, and grounds for the suspension or revocation, took place, to annul or vacate the order of the board [revoking the certificates of registration]; said suit to be filed against the board as defendant, and service of process may be had upon its chairman or secretary. The only issues to be tried in such cause shall be whether such person has been guilty as originally found by the board, which issue shall be by trial de novo, as that term is commonly used in connection with an appeal from the justice of the peace court to the county court, and the substantial evidence rule shall not apply.

Sec. 8A. The board may not adopt rules restricting advertising or competitive bidding by registrants [licensees] except to prohibit false, misleading, or deceptive practices by registrants [licensees].

Sec. 8B. The board shall keep an information file about each complaint filed with the board relating to a registrant [licensee]. If a written complaint is filed with the board relating to a registrant [licensee], the board, at least as frequently as quarterly, shall inform the complainant of the status of the complaint until the complaint is finally disposed of.

Sec. 8C. (a) In each written contract in which a registrant [licensee] under this Act agrees to perform landscape architecture in this state, the registrant [licensee] shall include the mailing address and telephone number of the board and a statement that the board has jurisdiction over individuals registered [licensed] under this Act.

(b) The board shall establish a public information program for the purpose of informing the public about the practice and regulation of landscape architecture in this state. As part of the program, the board shall prescribe and distribute in a manner that it considers appropriate a standard complaint form and shall make available to the general public and other appropriate state agencies the information compiled as part of the program. The program shall include information to inform prospective applicants for registration [licensing] under this Act about the qualifications and requirements for registration [licensing].

Sec. 10. (a) Every landscape architect shall pay an annual fee as set by the board as provided in Section 7 hereof. The fee shall be due and payable each year on the day set by the board.

(b) All sums of money paid to the board under the provisions of this Act, shall be deposited in the Architectural Examiners Fund [~~treasury of the State of Texas, and placed in a special fund to be known as the Landscape Architects Fund, formerly known as the Texas State Board of Landscape Architect's and Irrigator's Fund, and may be used only for the administration of this Act~~].

SECTION 6. Section 4B, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), is repealed.

SECTION 7. (a) The changes in law made by this Act in the qualifications of a person appointed to the Texas Board of Architectural Examiners apply only to a member appointed on or after September 1, 1991.

(b) The first policy statement required to be filed under Section 5A(b), Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), as added by this Act, must be filed before November 1, 1991.

(c) The name of the fund established by Section 4(a), Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), as that law existed on August 31, 1991, known as the architects registration fund, is changed to the architectural examiners fund.

(d) The money on deposit to the credit of the fund established by Section 10, Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's Texas Civil Statutes), as that law existed on August 31, 1991, is transferred to the credit of the architectural examiners fund, to be used for any purpose authorized by law for that fund.

(e) To achieve the membership scheme prescribed by Section 2, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), as amended by this Act, the governor shall appoint an interior designer to fill the position first vacated by a member who is a landscape architect or public member, whichever vacancy occurs earlier. If the position is vacated by a landscape architect or public member before that member's term expires, the governor shall appoint an interior designer to the membership position for the remainder of the term. If the governor appoints an interior designer to a membership position previously held by a public member, the governor shall appoint, at the first opportunity to do so, a public member to replace a landscape architect. For the purposes of this subsection, the expiration of a term is considered to have created a vacancy. The requirement under that section that the interior designer member be registered under Article 249e, Revised Statutes, as added by this Act, does not apply before September 1, 1992. On and after that date, the member must have a registration certificate issued under Section 11 or another provision of that article.

(f) The prohibition established by Section 3, Article 249e, Revised Statutes, as added by this Act, relating to the use of the title "interior designer" does not apply before September 1, 1992.

(g) The changes in law made by this Act do not affect the validity or expiration date of any license or registration issued by the Texas Board of Architectural Examiners before the effective date of this Act.

SECTION 8. This Act takes effect September 1, 1991.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Green moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S.B. 429 before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Green, Chair; Whitmire, Henderson, Barrientos, Haley.

RECESS

On motion of Senator Brooks, the Senate at 12:45 p.m. took recess until 2:30 p.m. today.

AFTER RECESS

The Senate met at 2:30 p.m. and was called to order by Senator Brooks.

RESOLUTION SIGNED

The Presiding Officer announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 144

MESSAGE FROM THE HOUSE

House Chamber
May 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 616, Relating to the administration of the Crime Victims Compensation Act by the attorney general.

S.B. 831, Relating to the continuation, functions, and change of the name of the State Purchasing and General Services Commission, the transfer of responsibility for architectural barrier programs from the commission to the Texas Department of Licensing and Regulation, and the acquisition by the commission and other entities of property and services, including consulting and professional services and school buses; providing penalties. (As substituted and amended)

S.B. 858, Relating to the payment for a certified court reporter's charges for a deposition. (As amended)

S.B. 935, Relating to construction contracts. (As amended)

S.B. 946, Relating to the length limitations on certain motor vehicles and combinations of vehicles.

S.B. 1357, Relating to the establishment of an extension center campus of Texas State Technical Institute in the city of Marshall in Harrison County. (As amended)

S.B. 747, Relating to permitting certain students who are graduates of the Reynaldo G. Garza School of Law to take the examination for a license to practice law in this state. (As amended)

S.B. 134, Relating to the observance of the birthday of Martin Luther King, Jr., as a State holiday. (As substituted and amended)

S.B. 1034, Relating to immunity from liability for school district volunteers. (As amended)

S.J.R. 42, Proposing a constitutional amendment to partially exempt residence homesteads from ad valorem taxation by county education districts. (As substituted and amended)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 124 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 124, Relating to the manner in which maximum capacity is established or increased for units in the institutional division of the Texas Department of Criminal Justice, to the manner in which the systemwide capacity of the institutional division is increased, and to the housing of inmates in the institutional division.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Amend **H.B. 124** as follows:

(1) In Section 1 of the bill, in Section 499.101(a), on the line beginning with "Clements", strike "2,250", and substitute "2,200".

(2) In Section 1 of the bill, in Section 499.101(a), on the line beginning with "Huntsville", strike "1,554" and substitute "1,705".

(3) In Section 1 of the bill, in Section 499.101(a), on the lines beginning with "Hughes", "McConnell", "Michael", "Robertson", "Stiles", and "Terrell", strike "2,250" and substitute "2,264".

(4) Add an appropriately numbered section to the bill to read as follows and renumber the existing sections of the bill accordingly:

SECTION _____. Section 499.025(b), Government Code, as revised by **S.B. 232**, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(b) If the inmate population of the institutional division reaches 95 percent of capacity or, if the attorney general has authorized an increase in the permissible percentage of capacity under Section 499.109, the inmate population reaches that increased permissible percentage, the director shall immediately notify the governor and the attorney general in writing of that fact. The attorney general shall certify to the governor in writing as to whether the institutional division has reached 95 percent of capacity or, if applicable, the increased permissible percentage. If the attorney general certifies that 95 percent of capacity has been reached or, if applicable, that the increased permissible percentage has been reached, the governor shall immediately certify that an emergency overcrowding situation exists and shall

order the director to credit not more than 90 days of administrative good conduct time to each eligible inmate.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 124 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 124 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Haley in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 864 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 864, Relating to the composition of the board of directors in certain appraisal districts and to the appointment of a taxpayer liaison officer in certain appraisal districts.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.H.B. 864** by striking everything below the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section 6.03(a), Tax Code, is amended to read as follows:

(a) The appraisal district is governed by a board of five directors. To be eligible to serve on the board of directors, an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual [he] takes [the] office. To be eligible to serve on the board of an appraisal district established for a county having a population of at least 200,000 bordering a county having a population of at least 2,000,000 and the Gulf of Mexico, an [An] individual must be a member of [who is otherwise eligible to serve on the board is not eligible because of membership on] the governing body or an elected officer of a taxing unit entitled to vote on the appointment of board members under this section [or because the individual is an elected official]. However, an employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

SECTION 2. Section 6.052(a), Tax Code, is amended to read as follows:

(a) The board of directors for an appraisal district created for a county with a population of more than 125,000 ~~[80,000]~~ shall appoint a taxpayer liaison officer who shall serve at the pleasure of the board. The taxpayer liaison officer shall administer the public access functions required by Sections 6.04(d), (e), and (f), and is responsible for resolving disputes not involving matters that may be protested under Section 41.41.

SECTION 3. The change in law made by this Act does not affect:

(1) The eligibility of an individual to fill a vacancy on a board of directors of an appraisal district if the individual is nominated as a candidate to fill the vacancy before the effective date of this Act and on the date the individual takes office is eligible to be a director under the law in effect on the date of the nomination; or

(2) The eligibility of an individual serving on the board of directors of an appraisal district on the effective date of this Act to complete the term of office being served on the effective date.

SECTION 4. This Act takes effect September 1, 1991.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 864 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 864 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 1809 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1809, Relating to the establishment of fees by the Parks and Wildlife Commission to review permit applications and to the collection of revenue by the Parks and Wildlife Department.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1809 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 1809** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2595 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2595, Relating to the imposition, rate, administration, and collection of taxes on certain drug dealers.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2595 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 2595 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2657 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2657, Relating to the powers and duties of the commissioners court.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend H.B. 2657 by adding (9) to SECTION 1 as follows:

Counties shall establish a least cost review program for public improvements to be constructed by use of personnel, equipment, or facilities of the governmental entity that may exceed a cost of \$25,000. This least cost review shall determine by the state auditor's cost accounting procedures and instructions relating to in-house cost estimates, as provided in Section 13.04, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), if the public improvements constructed by the governmental entity's personnel, equipment, or facilities is more cost effective than competitive bidding.

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend H.B. 2657, SECTION 1, Sec. 81.028, by striking Subparagraph (6) in its entirety and substituting the following in lieu thereof:

"(6) provide for the support of paupers and such persons with mental illness or mental retardation who cannot be admitted to a state mental health or mental retardation facility, who are residents of their county and are unable to support themselves. A county is obligated to provide health care assistance to eligible residents only to the extent prescribed by Chapter 61, Health and Safety Code, but that chapter does not affect the authority of a commissioners court to provide eligibility standards or other requirements relating to other assistance programs or services that are not covered by Chapter 61, Health and Safety Code;"

The amendment was read and was adopted by a viva voce vote.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 3

Amend H.B. 2657 by inserting the following between "county roads" in Subdivision (8), Section 81.022, Local Government Code, and the period:

; and

(9) in a county that has a population of 1.18 million or more and in which the office of county treasurer has been abolished, authorize the county auditor to conduct an annual performance audit of a county officer or office which:

(a) must be approved by the county officer or office before the audit is conducted;

(b) may be limited in scope by the audited county officer or office before the audit is conducted;

(c) must provide evaluative information to improve the efficiency and effectiveness of the audited county officer or office; and

(d) must provide a report of the results of the performance audit to the audited officer and office and commissioners court

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2657 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 2657 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 1984 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1984, Relating to reports of deaths of residents of nursing homes and related institutions.

The bill was read second time.

(Senator Brooks in Chair)

Senator Johnson offered the following amendment to the bill:

Amend **C.S.H.B. 1984** as follows:

On page 2, line —, strike the current subsection (e) and substitute the following:

(e) The department shall develop statistical information on official causes of death to determine patterns and trends of incidents of death among the elderly and in specific institutions. Information developed under this subsection is public.
However, a

(f) A licensed institution shall make available historical statistics on all required information on request of an applicant or applicant's representative.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1984 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 1984 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Haley in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2795 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2795, Relating to investment of certain public funds in certain money market mutual funds.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.H.B. 2795** by striking everything below the enacting clause and substituting the following:

SECTION 1. Section 2(d), Public Funds Investment Act of 1987 (Article 842a-2, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) In addition to the investments described by Subsection (a) of this section, an entity listed in that subsection may, in accordance with this Act, purchase, sell, and invest its funds and funds under its control in an SEC-registered, no-load money market mutual fund with a dollar-weighted average portfolio maturity of 120 days or less whose assets consist exclusively of the obligations that are described by Subsection (a) of this section and whose investment objectives include seeking to maintain a stable net asset value of \$1 per share. No entity listed in Subsection (a) of this section is authorized by this Act to invest in the aggregate more than 80 [20] percent of its monthly average fund balance, excluding bond proceeds, in money market mutual funds described in this subsection or to invest its funds or funds under its control, excluding bond proceeds, in any one money market mutual fund in an amount that exceeds 10 percent of the total assets of the money market mutual fund.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Dallas and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2795 ON THIRD READING**

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 2795 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Green.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 806 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 806, Relating to the punishment for deadly assault on an employee of the Texas Youth Commission.

The bill was read second time.

Senator Dickson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 806** as follows:

(1) Add a new SECTION 3 to read as follows:

SECTION 3. Section 1, Chapter 211, Acts of the 66th Legislature, 1979 (Article 6252-20b, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) All commissioned law enforcement personnel of the Department of Public Safety, all commissioned law enforcement personnel of the State Purchasing and General Services Commission, all commissioned security officers of the State Treasury, all commissioned law enforcement personnel of the Texas Alcoholic Beverage Commission, all law enforcement officers commissioned by the Texas Parks and Wildlife Commission, all commissioned peace officers of state institutions of higher education, all law enforcement personnel commissioned by the Texas Department of Criminal Justice [Corrections], all employees or officials of the Board of Pardons and Paroles who have routine direct contact with inmates of any penal or correctional institution or with administratively released prisoners subject to the board's jurisdiction, and all state employees certified as law enforcement officers or custodial officers under Section 815.505, Government Code [25.505, Title 110B, Revised Statutes], are entitled to hazardous duty pay of \$7 a month for each year of service as an employee of this state in a position that requires the performance of hazardous duty, up to and including 30 years in service. Except as provided by Subsection (b) of this section, this hazardous duty pay is in lieu of existing hazardous duty or longevity pay.

(d) All employees of the Texas Youth Commission who have routine direct contact with youth placed in a residential facility of the commission or with youth released under the commission's supervision are authorized to receive hazardous duty pay as provided in this section to the extent that funds are available for this purpose.

(2) Renumber subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 806** by adding new SECTIONS 1 and 2 as follows, and renumbering the subsequent sections:

SECTION 1. Section 22.02(d), Penal Code, is amended to read as follows:

(d) A person commits an offense if the person commits assault as defined in Section 22.01 of this code and the person threatens with a deadly weapon or causes serious bodily injury to an ~~[adult probation] officer employed by a community supervision and corrections department, [or to] an employee of a community corrections facility operated by or for a community supervision and corrections department and listed in Section 6, Article 42.13, Code of Criminal Procedure, a juvenile probation officer, or an employee of a juvenile probation department or a juvenile detention center [rehabilitation center or court residential treatment center operated by an adult probation department]:~~

(1) while the officer or employee is acting in the lawful discharge of an official duty; or

(2) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee.

SECTION 2. Section 22.03(d), Penal Code, is amended to read as follows:

(d) A person commits an offense if, with a deadly weapon, the person intentionally or knowingly causes serious bodily injury to an ~~[adult probation] officer employed by a community supervision and corrections department, [or] an employee of a community corrections facility operated by or for a community supervision and corrections department and listed in Section 6, Article 42.13, Code of Criminal Procedure, a juvenile probation officer, or an employee of a juvenile probation department or a juvenile detention center [rehabilitation center or court residential treatment center operated by an adult probation department]:~~

(1) while the officer or employee is acting in the lawful discharge of an official duty; or

(2) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee.

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 3

Amend **H.B. 806** by adding a new Section _____ and renumbering subsequent sections, as follows:

Section _____. Notwithstanding the authority granted by this Act, no state general revenue may be appropriated for costs related to the implementation of this Act during the fiscal biennium beginning on September 1, 1991, unless expressly authorized by the general appropriations act.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Dickson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 806 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 806** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Dickson was recognized and introduced a delegation of ladies from the "Hill Country Democrats" who are guests of Jan Bullock: Doris Ann Fariss, Lucile O'Donnell, Frances O'Donnell, Margaret Cashem, Katy Gilmore and Scotty Wilson.

The Senate welcomed Mrs. Bullock and her guests.

HOUSE BILL 2136 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2136, Relating to the creation of the Texas Partnership for Economic Development to develop a plan for the advancement of science, technology, and industry in the state.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2136 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 2136** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2214 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2214, Relating to the lease by the Parks and Wildlife Department of grazing or farming rights on game preserves, sanctuaries, or management areas.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2214 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 2214** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2224 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2224, Relating to procedures for the enforcement of the Texas Renderers' Licensing Act; providing for administrative penalties; amending Chapter 144, Health and Safety Code; and declaring an emergency.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2224 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 2224 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

HOUSE BILL 2327 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2327, Relating to procedures for the enforcement of the Texas Meat and Poultry Inspection Act; providing for administrative penalties; amending Chapter 433, Health and Safety Code; and declaring an emergency.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2327 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 2327 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2667 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2667, Relating to the coverage of a traveling or city salesman under the Texas Unemployment Compensation Act.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2667 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 2667 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 525 ON SECOND READING**

Senator Dickson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 525, Relating to the routing of transactions at shared unmanned teller machines; providing a civil penalty.

There was objection.

Senator Dickson then moved to suspend the regular order of business and take up **C.S.S.B. 525** for consideration at this time.

The motion was lost by the following vote: Yeas 8, Nays 17, Present-not voting 1.

Yeas: Brooks, Dickson, Henderson, Krier, Leedom, Lucio, Sibley, Whitmire.

Nays: Armbrister, Barrientos, Bivins, Brown, Ellis, Green, Haley, Harris of Dallas, Johnson, Lyon, Moncrief, Montford, Parker, Sims, Tejada, Truan, Zaffirini.

Present-not voting: Rosson.

Absent: Carriker, Glasgow, Harris of Tarrant, Ratliff, Turner.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE CONCURRENT RESOLUTION 152 ON SECOND READING**

Senator Bivins moved to suspend the regular order of business to take up for consideration at this time on its second reading:

C.S.S.C.R. 152, Informing the Department of Energy of our serious interest in the expansion of Pantex through a reconfiguration of nuclear weapons system.

The motion was lost by the following vote: Yeas 17, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brooks, Brown, Green, Haley, Henderson, Krier, Leedom, Lucio, Lyon, Montford, Parker, Sibley, Sims, Truan, Whitmire.

Nays: Barrientos, Carriker, Dickson, Ellis, Glasgow, Harris of Tarrant, Johnson, Moncrief, Rosson, Tejada, Zaffirini.

Absent: Harris of Dallas, Ratliff, Turner.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
HOUSE BILL 1822 ON SECOND READING**

Senator Sims asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 1822, Relating to the composition of the board of directors of an underground water district and to the powers and duties of the district.

There was objection.

Senator Sims then moved to suspend the regular order of business and take up **C.S.H.B. 1822** for consideration at this time.

The motion was lost by the following vote: Yeas 11, Nays 13, Present-not voting 1.

Yeas: Armbrister, Bivins, Brown, Dickson, Harris of Tarrant, Henderson, Leedom, Lucio, Montford, Sibley, Sims.

Nays: Barrientos, Brooks, Ellis, Green, Haley, Johnson, Lyon, Parker, Rosson, Tejeda, Truan, Whitmire, Zaffirini.

Present-not voting: Krier.

Absent: Carriker, Glasgow, Harris of Dallas, Moncrief, Ratliff, Turner.

GUESTS PRESENTED

The President acknowledged the presence of Robert Thomas, Chief Justice of the Court of Appeals of Waco and former Member of the House of Representatives.

MESSAGE FROM THE HOUSE

House Chamber
May 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 1103, Relating to the prevention of pollution from oil and gas exploration, development, and production activities, including the creation of an oil-field cleanup fund and the imposition of certain fees; providing a penalty. (As substituted and amended)

S.B. 992, Relating to the application of statutes that classify political subdivisions according to population. (As substituted)

S.B. 1426, Relating to the effect of foreclosure of a tax lien on existing restrictive covenants and easements. (As amended)

S.B. 757, Relating to driver and traffic safety education; providing penalties. (As amended)

S.B. 830, Relating to hazardous waste reduction. (As substituted)

S.B. 892, Relating to the validation of certain hospital districts and their proceedings.

S.B. 788, Relating to the effective tax rate in certain municipalities that impose a mass transit sales and use tax.

S.B. 1511, Relating to the eligibility of certain aliens to receive unemployment compensation benefits.

S.B. 1533, Authorizing the Board of Regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise, certain properties to be used for campus expansion and university purposes in The University of Texas System; vesting title in The University of Texas System; providing that this act shall be cumulative; providing for severability; repealing all laws in conflict; and declaring an emergency.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RULE 11.11 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might meet today to consider the nomination of Mrs. Penny Butler to the Texas Board on Aging and Alvaro D. Saenz to the Nueces River Authority Board of Directors.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider S.B. 1611 today.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Intergovernmental Relations might consider the following bills today:

H.B. 1718

H.B. 2330

H.B. 2782

SENATE RULE 11.11 SUSPENDED

On motion of Senator Ellis, on behalf of Senator Glasgow, and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills today:

H.B. 260

H.B. 1756

SENATE RULE 11.11 SUSPENDED

On motion of Senator Green and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Jurisprudence might consider the following bills today:

H.B. 306

H.B. 598

H.B. 1576

H.B. 1688

H.B. 2147

H.B. 2626

H.B. 2569

MEMORIAL RESOLUTION

S.R. 836 - By Parker: In memory of outstanding community leader and businessman Thomas F. Jenkins of Winnie.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 246 - (Henderson): Extending congratulations to R. G. "Gary" Dillard on the occasion of his retirement from Shell Oil Company.

S.R. 837 - By Parker: Recognizing Joseph William Minter, distinguished Magistrate of the Commonwealth of Virginia, for his exemplary devotion and loyalty as a public servant.

S.R. 838 - By Parker: Extending congratulations to Mr. and Mrs. Jimmy McDonald Marks on the birth of their son, Master Joseph McDonald Marks, December 27, 1990.

S.R. 839 - By Lyon: Declaring May 4, 1991, as "Mabank Independent School District Vocational Industrial Clubs of America State Champions Day."

S.R. 840 - By Brown: Recognizing Susan Hopkins on the joyful occasion of her 50th birthday, May 23, 1991.

S.R. 841 - By Lyon: Welcoming Mrs. Maria Gwiazda as a new citizen of the United States of America to be sworn in on May 24, 1991, at her home in Terrell.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 4:10 p.m. adjourned, in memory of Mrs. Anna Marie Scott, until 10:00 a.m. tomorrow.

**In Memory
of
Anna Marie Scott**

Senator Barrientos offered the following resolution:

(Senate Resolution 835)

WHEREAS, The devoted family and many friends of Anna Marie Scott have been profoundly saddened by the death of this gracious and warm-hearted woman on May 20, 1991, at the age of 83; and

WHEREAS, A longtime resident of Fort Worth, Mrs. Scott enjoyed a full and richly rewarding life and will be remembered fondly by those who knew and loved her as a devoted wife, a loving mother, a caring and compassionate friend, and an exemplary member of her community; and

WHEREAS, Together with her husband, John Paul Scott, Jr., she enjoyed widespread respect in the business community of Fort Worth, where the couple owned and successfully operated the Scott Awning Company; and

WHEREAS, In addition to the success she enjoyed as a partner in the family business, which had been founded in 1892 by her father-in-law, Mrs. Scott also achieved business success in her own right as an interior decorator and real estate broker; and

WHEREAS, Her greatest professional satisfaction came from the many years she spent in the field of education; a graduate of Texas Christian University, where she earned bachelor's and master's degrees in English, speech-drama, and communications, Mrs. Scott enjoyed a long and rewarding career as an educator; and

WHEREAS, She was an outstanding classroom instructor, establishing an effective rapport with her students whether she was teaching first and second graders, high school students, or young adults at Texas Christian University, The University of Texas at Arlington, and Tarrant County Junior College; and

WHEREAS, As professor of speech and chairman of the speech department at Tarrant County Junior College, she was able to combine her love of speech and drama with the obvious enjoyment she derived from working with young people; and

WHEREAS, She also coached debate teams, taught diction, professionally directed little theater productions, reviewed books and plays, taught and directed Shakespearean plays, and edited the Texas Junior College Teachers Association newsletter; and

WHEREAS, Mrs. Scott was well-known for her exceptional community involvement and gave generously of her time and talent to many civic, social, and service organizations in Fort Worth, including the Fort Worth Woman's Club, the Etta Newby Club, the Penelope Club, the Woman's Shakespeare Club, the Downtown Lady Lions Club, the Girls Service League, and the Clio Club; and

WHEREAS, Actively pursuing many diverse interests throughout her life, she also served as parliamentarian for many groups and was an esteemed member of the American Institute of Parliamentarians and the National Association of Parliamentarians; and

WHEREAS, Despite the demands of her many outside activities, Mrs. Scott was above all a devoted family member and gave her utmost

attention to her husband of many years and their loving family, which included our esteemed colleague, Senate Parliamentarian Bob Johnson; and

WHEREAS, Anna Marie Scott was a woman of tremendous warmth and compassion who always brightened the lives of those around her, and though her presence is gone from us now, she will surely be remembered with great love and affection for many years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby honor the memory of Mrs. Anna Marie Scott and extend the deepest condolences to the members of her family: to her two daughters and sons-in-law, Judy and Bob Johnson of Austin and Mary Anna Scott and Theron Ice of Fort Worth; to her son John Paul Scott III and daughter-in-law Maxine Scott of Austin; to her sister, Marguerite Dews of Austin; to her brother and sister-in-law, Darrell and Ada Scott of Fort Worth; to Isabel Scott of Fort Worth; to her grandchildren and great-grandchildren; and to the other members of her family; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of her family and that when the Texas Senate adjourns this day it do so in memory of Anna Marie Scott.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos and by unanimous consent, the resolution was adopted by a rising vote of the Senate.